

A3
second message, identifying the second type and presenting second controls to access the second custom message.

A4
32. (New) The method of claim 1, wherein the step of automatically inserting an indicator into a text message comprises inserting the indicator into a body of the text message.

33. (New) The data processing system of claim 16, wherein the inserting means comprises means for inserting the indicator into a body of the text message.

REMARKS

Claims 1-33 are pending in the present application. Claims 10-14, 25-28, and 31 are amended. Claims 8, 9, 23, and 24 are canceled. Claims 32-33 are added. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-6, 8-21, and 23-31 under 35 U.S.C. § 102 as being anticipated by Hyde-Thomson (US Patent No. 5,557,659). This rejection is respectfully traversed.

With respect to claims 1 and 16, the Office Action states:

As to claims 1, 16, with respect to Figure 17, **Hyde-Thomson** teaches a method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:

recording a voice message (Col. 17, lines 10-17);

responsive to recording of the voice message, automatically inserting an attachment (an indicator) into a text message indicating a presence of a voice message (Col. 17, lines 19-28);

responsive to recording the voice message, automatically appending the voice message to the text message to form an appended voice message (Col. 17, lines 19-28); and

sending the text message with the appended voice message (Col. 17, lines 25-28).

Office Action, dated 08 May 2001. Applicant respectfully disagrees. Hyde-Thomson teaches an electronic mail system having integrated voice messages wherein voice

messages are recorded and stored on a file server. See col. 3, lines 35-53. The cited portion of the reference states:

In order to send a voice message to another user, the PC user would select the Record button 1704. For example, this would send a command to the voice gateway causing it to use a telephone line to call the extension number 24. When the user answers, he can use the tape recorder controls to start and stop recording and to playback what he has already recorded. As for play, these functions are implemented via commands from the PC via the LAN to the gateway and correspond to the prior art voice messaging functions used from a telephone and are similarly implemented. When the user is finished recording and wishes to send the message, he selects button 1705 (i.e., Mail). This uses the MAPISendDocuments or SMISendMail subroutine from MAPI or VIM to launch the E-mail application which will allow the user to address and send the message using the E-mail address collection screen. The recorded .vox voice file name is passed to the E-mail system to be sent as an attachment to the E-mail message.

Col. 17, lines 10-27. Applicant assumes that the claimed step of “automatically inserting an indicator into a text message indicating a presence of a voice message” is being interpreted to read on the attachment file name. However, Hyde-Thomson teaches that the user records a voice message using a conventional telephone, such as telephones 101A, 101B, and 101C, and that the voice message is stored on file server 106. In Hyde-Thomson, the personal computers 107, 108, 109 are used to control the recording of the voice message; however, the voice message is not actually recorded by the personal computer. Therefore, the voice message is never stored on the personal computer and the e-mail client cannot append the voice message to the text message to form an appended voice message.

In contradistinction, claim 1 recites:

1. (Unchanged) A method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:

recording a voice message;

responsive to recording of the voice message, automatically **inserting an indicator into a text message** indicating a presence of a

voice message;
responsive to recording the voice message, automatically
appending the voice message to the text message to form an appended
voice message; and
sending the text message with the appended voice message.
[emphasis added]

Thus, claim 1 recites separate steps of “inserting an indicator into a text message indicating a presence of a voice message” and “appending the voice message to the text message to form an appended voice message.” Hyde-Thomson may be interpreted to teach a step of inserting an indicator into a text message indicating a presence of a voice message, wherein the indicator is an attachment file name. However, in Hyde-Thomson, the voice message remains at the file server and only the attachment file name is attached to the text message. Therefore, Hyde-Thomson does not teach or suggest a separate step of “automatically appending the voice message to the text message to form an appended voice message,” as specifically recited, in combination, in claim 1, because the computer on which the text message is created in Hyde-Thomson does not have stored therein the voice message. The Office Action provides no reasoning as to why the single attachment filename in Hyde-Thomson is equivalent to two separate steps recited in the claim.

The reference fails to teach each and every claim limitation. Claims 16 and 29 recite similar features and are allowable for the same reasons. Claims 1, 16, and 29 are not anticipated by Hyde-Thomson and the rejection must be withdrawn.

Since claims 2-7, 17-22, and 30 depend from claims 1, 16, and 29 respectively, the same distinctions between Hyde-Thomson and the claimed invention in claim 1 apply for these claims. Additionally, claims 2-7, 17-22, and 30 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 1-7, 16-22, 29, and 30 is overcome.

With respect to claims 10 and 25 the Office Action states:

As to Claims 10,25, with respect to Figure 17, **Hyde-Thomson** teaches a method in a computer for receiving a voice message, the method comprising:

receiving a text message (Col. 16, lines 46-55);
parsing the text message for an identifying string (Col. 16, lines 55-60);
identifying a presence of a voice message associated with the text

message (Col. 16, lines 55-60); and
responsive to the presence of the identifying string, displaying the
text message as a voice message in a message list (Figure 17, label 1721).

Office Action, dated 08 May 2001. Applicant respectfully disagrees. Claim 10 recites:

10. A method in a data processing system for receiving messages, the
data processing system comprising the computer implemented steps of:
receiving a first text message including **a first custom message of
a first type**;
parsing the first text message for an identifying string identifying a
presence of a custom message;
responsive to a presence of an identifying string in the first text
message, identifying the first type and **presenting first controls to access
the first custom message**;
receiving a second text message including **a second custom
message of a second type**;
parsing the second text message for an identifying string
identifying a presence of a custom message; and
responsive to a presence of an identifying string in the second
message, identifying the second type and **presenting second controls to
access the second custom message**. [emphasis added]

Hyde-Thomson teaches an electronic mail system with integrated voice message.
However, Hyde-Thomson fails to teach a first custom message of a first type and a
second custom message of a second type and presenting first controls and second controls
that correspond to the first type and second type, respectively, as recited in claim 10.
Claims 25 and 31 recite similar features and are allowable for the same reasons.

Since claims 11-13 and 26-28 depend from claims 10 and 25, respectively, the
same distinctions between Hyde-Thomson and the claimed invention in claim 10 apply
for these claims. Additionally, claims 11-13 and 26-28 recite other additional
combinations of features not suggested by the reference. Consequently, it is respectfully
urged that the rejection of claims 10-13, 25-28, and 31 is overcome.

Particularly, since Hyde-Thomson fails to teach a first custom message of a first
type and a second custom message of a second type, it follows that Hyde-Thomson fails
to teach or suggest that the first custom message is a voice message and the second
custom message is a stock trade, as specifically recited, in claims 12 and 27.

Claims 14 and 15 recite features similar to those presented in claims 1-7 and

10-13 and are allowable for the same reasons. Therefore, the rejection of claims 1-6, 10-21, and 25-31 under 35 U.S.C. § 102 is overcome.

New claims 32 and 33 recite “inserting the indicator into a body of the text message.” Hyde-Thomson teaches that the attachment file name indicates the presence of a voice message. However, Hyde-Thomson does not teach inserting a text string within the body of the text message, as recited in claims 32 and 33. The reference fails to teach each and every claim limitation. Therefore, claims 32 and 33 are not anticipated by Hyde-Thomson.

Furthermore, Hyde-Thomson does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to modify Hyde-Thomson to append the voice message to the text message and to manage first and second custom message types, one of ordinary skill in the art would not be led to modify Hyde-Thomson to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Hyde-Thomson in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants’ disclosure as a template to make the necessary changes to reach the claimed invention.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 7 and 22 under 35 U.S.C. § 103 as being unpatentable over Hyde-Thomson in view of Pepe et al. (US Patent No. 5,742,905). This rejection is respectfully traversed. Claims 7 and 22 are allowable at least because they depend upon allowable claims 1 and 16, respectively. As stated above, Hyde-Thomson fails to teach or fairly suggest automatically appending the voice message to the text message to form an appended voice message. Pepe et al. is relied upon to teach a personal digital assistant (PDA). Thus, Pepe et al. does not make up for the deficiencies of Hyde-Thomson and the rejection of claims 7 and 22 under 35 U.S.C. § 103 is overcome for the reasons stated above with respect to claims 1 and 16.

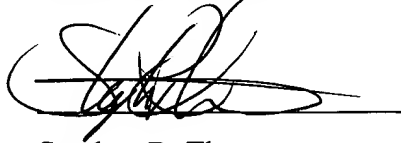
III. Conclusion

It is respectfully urged that the subject application is patentable over Hyde-Thomson and Pepe et al. and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 10 Sept 2001

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Tkacs', written over a horizontal line.

Stephen R. Tkacs
Reg. No. 46,430
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicant

APPENDIX

Marked-up Copy of the Amended Claims

Please cancel claims 8-⁹~~11~~ and 23-²⁴~~26~~.

Please amend claims 10-14, 25-27, and 31 as follows:

10. (Amended) A method in a computer for receiving a voice message, the method comprising:

receiving a first text message including a first custom message of a first type;
parsing the first text message for an identifying string identifying a presence of a [voice] custom message associated with the first text message; [and]
responsive to the presence of the identifying string and responsive to selection of the text message, [displaying the text message as a voice] identifying the first type and presenting first controls to access the first custom message [in a message list];
receiving a second text message including a second custom message of a second type;
parsing the second text message for an identifying string identifying a presence of a custom message; and
responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message.

11. (Amended) The method of claim [10] 12 [further comprising:

responsive to a presence of the identifying string, displaying] wherein the first controls comprise controls for presenting the voice message.

12. (Amended) The method of claim 10, wherein the [text] first custom message is [an electronic mail] a voice message and the second custom message is a stock trade.

13. (Amended) The method of claim [11] 12, wherein the first controls include a play control, a rewind control, and a fast forward control.

14. (Amended) A messaging system for use in a data processing system, the messaging system comprising:

a graphical user interface, wherein the graphical user interface provides selections for user input to create and send voice messages; and

a message processing mechanism, wherein the message processing mechanism has a plurality of modes of operation including:

a first mode of operation in which the message processing mechanism waits for a user input;

a second mode of operation, responsive to a user input in the first mode of operation to record a voice message, in which the message processing mechanism stores voice data in a file;

a third mode of operation, responsive to a user input in the first mode of operation to select a recipient for the voice message, in which the message processing mechanism receives a selection of a recipient for the voice message; and

a fourth mode of operation, responsive to a user input in the first mode of operation to send the voice message and to a presence of a recipient for the voice message, in which the message processing mechanism creates a text message, inserts [a] an identifying string, [identifying] identifies a presence of the voice message in the text message, appends the file to the text message, and sends the text message to the recipient.

25. (Amended) A data processing system for receiving a voice message, the data processing system comprising:

first receiving means for receiving a first text message including a first custom message of a first type;

first parsing means for parsing the first text message for an identifying string identifying a presence of a [voice] custom message associated with the first text message; [and]

first displaying means, responsive to the presence of [the] an identifying string in

the first text message, for [displaying the text message as a voice] identifying the first type and presenting first controls to access the first custom message [in a message list];

second receiving means for receiving a second text message including a second custom message of a second type;

second parsing means for parsing the second text message for an identifying string identifying a presence of a custom message; and

second interface means, responsive to a presence of an identifying string in the second message, for identifying the second type and presenting second controls to access the second custom message.

26. (Amended) The data processing system of claim [25] 27 [further comprising: displaying means, responsive to a presence of the identifying string, for displaying] wherein the first controls comprise controls for presenting the voice message.

27. (Amended) The data processing system of claim 25, wherein the [text] first custom message is [an electronic mail] a voice message and the second custom message is a stock trade.

28. (Amended) The data processing system of claim [26] 27, wherein the first controls include a play control, a rewind control, and a fast forward control.

31. (Unchanged) A computer program product in a computer readable medium for [sending] receiving voice messages, the computer program product comprising:

first instructions for [creating] receiving a voice message including a first custom message of a first type;

second instructions[, responsive to creating the voice message,] for [automatically inserting] parsing the first text message for an identifying string [into a text message] identifying a presence of [the voice] a custom message;

third instructions, responsive to [creating a voice message] a presence of an identifying string in the first text message, for [automatically appending] identifying the

first type and presenting first controls to access the [voice message to the text] first custom message;

fourth instructions for receiving a second text message including a second custom message of a second type;

fifth instructions for parsing the second text message for an identifying string identifying a presence of a custom message; and

sixth instructions for responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message.

Please add the following new claims:

--32. (New) The method of claim 1, wherein the step of automatically inserting an indicator into a text message comprises inserting the indicator into a body of the text message.

33. (New) The data processing system of claim 16, wherein the inserting means comprises means for inserting the indicator into a body of the text message.--